

REMARKS

In the Office Action mailed May 23, 2003, the Examiner rejected pending claims 1 and 2. Claims 1 and 2 have been amended, and claims 3-6 have been added. As a result of the present Amendment, claims 1-6 remain pending in the present application (1 independent claim, 6 claims total). No new matter has been added by this Amendment. Reconsideration is respectfully requested in light of the following remarks.

Claim Rejections - 35 U.S.C. §101

Claims 1 and 2 stand rejected under Section 101 as being directed to non-statutory subject matter. Specifically, the Examiner notes that claim 1 recites "a worksite employer having at least one employee associated therewith." This rejection is respectfully traversed; however, in the interest of compact prosecution, the independent claims have been amended to obviate this rejection. Accordingly, Applicant requests that the Section 101 rejection be withdrawn.

Claim Rejections - 35 U.S.C. §102

Claims 1 and 2 stand rejected under Section 102(e) as being anticipated by Katz et al., U.S. Pat. No. 6,424,706 (the "Katz reference"). This rejection is respectfully traversed with respect to the claims as amended.

Applicant submits that the Katz reference does not include each and every element of the claims as amended. While Fig. 1C (labeled as prior art) of the Katz reference includes an entity (bank 105) which is involved in the disbursement of funds associated with the employee, bank 105 does not include all of the features recited in the claims. For example, Fig. 1C of Katz shows bank 105 receiving direct deposit 124 from company 123. Account holder 120 can then instruct the bank to pay bills, etc. Applicant's admit that such direct deposits to a bank are well known.

However, the present invention includes a PFSP that disburses funds prior to the account holder having access to those funds. That is, the PFSP of the present invention enjoys a much closer relationship (through electronic funds transfer, as recited in the claims and described in the specification) with the employer than that of bank 105 of Katz, and at the same time, PFSP provides other personnel-related services to both the bank and employer. Thus, the Katz

reference does not disclose "a personal financial service provider configured to communicate with said worksite employer . . . wherein said personal financial service provider is configured to electronically receive said employee funds directly from said worksite employer and to electronically disburse said employee funds to third parties prior to allowing said employee to disburse said funds . . ." as recited in claim 1.

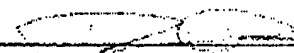
Furthermore, the present invention contemplates that the personal financial service provider is configured to electronically receive a fee from the worksite employer, wherein said fee is responsive to said disbursement of said employee funds. For example, this fee may be a percentage of the gross pay of the employee, or a group of employees.

Accordingly, as the Katz reference does not include each and every element of the claims as amended, Applicant requests that the Section 102 rejections be withdrawn with respect to the claims as amended.

Conclusion

In view of the foregoing Amendment and Remarks, Applicants respectfully submit that the present application is in condition for allowance, and earnestly solicit a Notice of Allowance at the Examiner's earliest convenience. The Examiner is invited to telephone the undersigned if such would advance prosecution of this Application in any way.

Respectfully submitted,


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